

Promoting and Institutionalizing Human and Peoples' Rights in Sierra Leone Using the AU-TJP

By MRCG

Within the framework of the African Charter on Human and Peoples' Rights (ACHPR), the African Union (AU)'s shared values instruments, and pertinent international human rights agreements, this component comprises the development and institutionalization of a culture of human and peoples' rights. A collapse of the rule of law and a disregard for human and peoples' rights are common characteristics of situations that necessitate Transitional Justice (TJ). The foundation of TJ is the restoration of humanity and human dignity in interpersonal and intercommunal relationships.

The principle of Human and Peoples' Rights plays a central role in the AUTJP, particularly in the Sierra Leonean context and its post-conflict recovery. The African Union's Policy on the African Union aims to provide a framework for countries emerging from conflict to address past violations and promote peace, stability, and national reconciliation. In Sierra Leone, following a brutal civil war (1991-2002) that resulted in widespread atrocities, including forced labor, amputations, sexual violence, and other human rights violations, the AU's TJ framework, including the Human and Peoples' Rights principle, became essential to the country's healing process.

The African Union Transitional Justice Policy (AU-TJP), adopted in 2019, provides a comprehensive continental framework to guide African states in addressing past human rights violations, promoting accountability, and ensuring non-recurrence through institutional reforms. It builds on African values, experiences, and lessons from post-conflict societies. Sierra Leone, having emerged from a brutal civil war (1991–2002), has made significant progress through the Truth and Reconciliation Commission (TRC), Special Court for Sierra Leone, and the Human Rights Commission of Sierra Leone (HRCSL). However, the institutionalization of human and peoples' rights remains an ongoing process requiring stronger alignment with AU-TJP principles.

The AU-TJP aims to: address the root causes of conflict and violations of human and peoples' rights, promote accountability, truth, reparations, reconciliation, and memorialization, strengthen the rule of law, good governance, and constitutionalism, support inclusive development and prevent the recurrence of violence, and encourage regional and continental cooperation on transitional justice. Its core pillars include: Truth Seeking and Reconciliation, Accountability and Justice, Reparations and Redress, Institutional Reforms, Memory and Memorialization, Guarantees of Non-Recurrence, and Gender and Youth Inclusion.

The Sierra Leonean Context

Post-war Sierra Leone provides a unique laboratory for transitional justice. Major efforts have included the Truth and Reconciliation Commission (TRC), which documented violations and made recommendations for reforms. The Special Court for Sierra Leone (SCSL) – prosecuting those who committed the greatest responsibility for war crimes. The Human Rights Commission of Sierra Leone (HRCSL) was established in 2004 to promote and protect human rights. Legal and constitutional reforms – including laws on freedom of expression and access to information. Reparations programs – partial implementation through the National Commission for Social Action (NaCSA). Yet several

challenges persist: incomplete implementation of TRC recommendations; weak institutional coordination among justice and human rights bodies; limited civic awareness of rights and AU mechanisms; resource constraints that undermine long-term justice initiatives; and gaps in gender and youth participation in transitional justice processes.

Institutionalizing Human and Peoples’ Rights: AU-TJP Alignment for Sierra Leone

AU-TJP Pillar	Current Sierra Leone Status	Strategic Actions to Institutionalize Human Rights
Truth and Reconciliation	TRC report completed; limited follow-up	Establish a National TRC Implementation Committee to integrate TRC findings into civic education and public discourse.
Accountability and Justice	SCSL concludes that domestic accountability mechanisms are under-resourced	Strengthen judicial independence; expand HRCSL’s powers to enforce findings; create a national transitional justice database.
Reparations	NaCSA implemented limited reparations; funding exhausted	Institutionalize a National Reparations Fund; integrate reparations in social protection schemes; ensure gender-responsive reparations.
Institutional Reforms	Partial reforms in the police, judiciary, and civil service	Deepen governance reforms; adopt a human-rights-based approach in all public institutions; strengthen anti-corruption mechanisms.
Memorialization	War memorials are limited; low community engagement	Develop a national memorial and peace museum; promote local storytelling and digital archives of conflict history.
Non-Recurrence	Weak early warning systems and civic education	Mainstream peace and rights education in schools; build local peace infrastructure; engage traditional authorities in mediation.
Gender and Youth Inclusion	Gender mainstreaming policy exists, but is unevenly applied	Implement the Gender Equality and Women’s Empowerment Act; ensure youth representation in peace and justice institutions.

Policy and Institutional Recommendations

Legal and Policy Reform: Domesticating the African Charter on Human and Peoples’ Rights and the AU-TJP principles through national legislation. Enact a National Transitional Justice Coordination Commission to coordinate post-conflict justice, reparations, and institutional reforms. Review and

harmonize laws to eliminate contradictions between human rights guarantees and outdated colonial provisions.

Institutional Strengthening: Enhance the mandate and funding of the Human Rights Commission of Sierra Leone (HRCSL). Establish a National Transitional Justice Coordination Commission (NTJCC) to oversee the implementation of the AU-TJP. Strengthen collaboration between HRCSL, the Ministry of Justice, civil society organisations, and the media. Integrate human rights units within all ministries and district councils.

Public Education and Participation: Develop a national civic education strategy, centered on AU-TJP and human rights values. Use community radio, social media, and schools to promote awareness of citizens' rights. Engage traditional leaders, women, and youth groups in local justice dialogues.

Partnerships and Resource Mobilization: Partner with the African Union (AU), ECOWAS, UNDP, and civil society for technical and financial support. Encourage diaspora participation in memorialization, reparations, and advocacy. Mobilize domestic resources through national budget allocations and private sector corporate social responsibility funds.

Institutionalizing human and peoples' rights in Sierra Leone through the AU-TJP lens is not only a matter of compliance but a strategic pathway toward sustainable peace, justice, and inclusive governance. By integrating AU-TJP principles into national policies, strengthening institutions, and promoting civic participation, Sierra Leone can consolidate its peacebuilding gains and become a continental model for rights-based post-conflict governance.

Human Rights Accountability: A central aspect of Sierra Leone's post-war recovery involved holding perpetrators of human rights violations accountable for their actions. The Special Court for Sierra Leone (SCSL) was established with support from the AU and the international community to try individuals responsible for serious crimes during the civil war. The Human and Peoples' Rights principle stresses the need for accountability and justice, ensuring that those who committed atrocities are brought to trial, to prevent impunity.

Victim-Centered Approach: The AU's policy emphasizes a focus on victims and their rights to truth, justice, reparations, and reconciliation. This ensures that transitional justice mechanisms not only hold perpetrators accountable but also prioritize the healing needs of the victims. In Sierra Leone, victims of human rights violations have been given a platform to tell their stories, with support for their reintegration into society. The establishment of the National Commission for Social Action (NaCSA) and other local bodies is in line with the policy's emphasis on addressing victimization and restoring dignity to affected populations.

Restoration of Human Dignity: The principle of human and Peoples' rights underscores the importance of restoring the dignity of individuals whose rights were violated during the conflict. For Sierra Leone, this meant providing support for women and children who suffered from sexual violence and exploitation, and addressing the legacy of human rights abuses like forced labor and the recruitment of child soldiers. Initiatives like the Rehabilitation and Reintegration Programs for former combatants, particularly children, reflect a commitment to reintegrating those affected by the war and ensuring respect for their basic human rights.

Promoting Social Cohesion and National Reconciliation: The AU policy stresses the need for national reconciliation, which includes addressing the collective trauma of the war, fostering a sense of unity, and ensuring that ethnic and political groups are not marginalized. In Sierra Leone, reconciliation efforts have focused on the restoration of trust between communities and the state. The Truth and Reconciliation Commission (TRC) of Sierra Leone, part of the country's transitional justice framework, was instrumental in revealing the truth about the abuses, fostering national dialogue, and promoting forgiveness.

International and Regional Norms: The African Union's Human and Peoples' Rights principle is rooted in international and regional human rights frameworks, including the ACHPR, and the African Court on Human and Peoples' Rights. This ensures that Sierra Leone's transitional justice efforts align with international human rights standards. The AU also emphasizes the integration of gender-sensitive approaches in transitional justice, recognizing the unique violations women and girls face in conflict. In Sierra Leone, this was particularly crucial given the widespread sexual violence during the civil war.

Guaranteeing and protecting women's rights and ensuring their active participation in the political, social, and economic spheres are crucial elements of the AUTJP, particularly in post-conflict contexts such as Sierra Leone. The civil war in Sierra Leone had devastating effects on women, who were disproportionately affected by violence, sexual exploitation, and displacement. Addressing these historical injustices and promoting gender equality are vital for the country's long-term peace and stability. The AUTJP emphasizes the importance of gender equality and women's empowerment as key components of transitional justice processes, recognizing that sustainable peace cannot be achieved without addressing the specific needs and rights of women. Ensuring gender-sensitive TJ mechanisms, legal reforms for women's protection and empowerment, promoting women's political participation (as seen in the 2023 general elections in the country), economic empowerment of women, addressing conflict-related sexual violence and Gender-Based Violence (GBV), promoting women's health and wellbeing, combating discriminatory social norms and practices, etc., are among the recommendations from the AUTJP for guaranteeing and protecting women's rights and ensuring their participation in Sierra Leone's political, social, and economic spheres.

Institutional and Legal Reforms: The AU's policy advocates for legal and institutional reforms to ensure that the rights of all citizens are protected in the post-conflict period. In Sierra Leone, reforms to strengthen the rule of law, protect civil liberties, and prevent future violations were necessary to ensure that human rights are enshrined in the post-war legal framework. The Sierra Leone Constitution and other legal frameworks were reformed, and institutions such as the Human Rights Commission of Sierra Leone were established to safeguard citizens' rights and promote human dignity.

Guaranteeing and protecting the rights of marginalized and vulnerable groups, including war-wounded individuals and war widows in Sierra Leone, requires a multi-faceted approach that includes legal protections, social support, economic empowerment, and advocacy. This includes strengthening the enforcement of laws that protect war victims, such as the Persons with Disability Act (2011) and gender rights laws, ensuring compliance with international human rights frameworks, including the Convention on the Rights of Persons with Disabilities (CRPD) and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), establishing special legal aid services to help war widows and wounded individuals access justice for discrimination, land disputes, or pension claims,

providing free or subsidized healthcare for war-wounded individuals, including prosthetics, rehabilitation, and mental health services, improving access to social welfare programs, including disability allowances, widows' pensions, and social housing, creating vocational training and economic empowerment programs tailored to war victims, especially those with disabilities, ensuring that war-wounded individuals and widows are included in national employment policies and public works programs, conducting public awareness campaigns to combat stigma and discrimination against people with war-related disabilities, encouraging the government and private sector to adopt inclusive employment policies for war-wounded individuals etc., are among the favorable ways of protecting the rights of marginalized and vulnerable groups of people in Sierra Leone.

The Human and Peoples' Rights principle in the AUTJP provides a comprehensive framework for addressing the root causes of conflict, ensuring accountability, and promoting reconciliation. In Sierra Leone, this principle guided processes of justice, victim support, institutional reform, and national healing. The focus on human rights has been essential to Sierra Leone's transition from war to peace and continues to shape efforts towards long-term stability and the protection of the rights of all citizens.